Union Calendar No. 150

112TH CONGRESS 1ST SESSION

H. R. 2838

[Report No. 112-229]

To authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 2, 2011

Mr. Lobiondo (for himself and Mr. Mica) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

OCTOBER 3, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 2, 2011]

A BILL

To authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 (a) Short Title.—This Act may be cited as the
- 5 "Coast Guard and Maritime Transportation Act of 2011".
- 6 (b) Table of Contents for
- 7 this Act is as follows:
 - Sec. 1. Short title.

TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD AND SERVICEMEMBER PARITY

- Sec. 201. Academy emoluments.
- Sec. 202. Policy on sexual harassment and sexual violence.
- Sec. 203. Appointments of permanent commissioned officers.
- Sec. 204. Minor construction.
- Sec. 205. Treatment of reports of aircraft accident investigations.
- Sec. 206. Acquisition workforce expedited hiring authority.
- Sec. 207. Coast Guard housing report.

TITLE III—COAST GUARD REFORM

- Sec. 301. Repeals.
- Sec. 302. Interference with Coast Guard transmissions.
- Sec. 303. National security cutters.
- Sec. 304. Major acquisitions report.
- Sec. 305. Environmental compliance and restoration backlog.
- Sec. 306. Coast Guard auxiliarist enrollment eligibility.
- Sec. 307. Decommissionings.
- Sec. 308. Assessment of needs for additional coast guard presence in high latitude regions.
- Sec. 309. Limitation on expenditures.
- Sec. 310. Restriction on the use of aircraft.

TITLE IV—SHIPPING AND NAVIGATION

- Sec. 401. Committee on the Marine Transportation System.
- Sec. 402. Report on determinations.
- Sec. 403. Dockside examinations.
- Sec. 404. Recourse for noncitizens.
- Sec. 405. Maritime liens on fishing permits.
- Sec. 406. Short sea transportation.
- Sec. 407. Mission of the Maritime Administration.

TITLE V—FEDERAL MARITIME COMMISSION

Sec. 501. Authorization of appropriations.

TITLE VI—MISCELLANEOUS

- Sec. 601. Technical corrections.
- Sec. 602. Report on Coast Guard merchant mariner medical evaluation program.
- Sec. 603. Notice of arrival.
- Sec. 604. Technical corrections to title 14.
- Sec. 605. Distant water tuna fleet.
- Sec. 606. Waivers.

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- Sec. 607. Report on options to improve integration of U.S. Coast Guard and Canadian Coast Guard Great Lakes icebreaking operational information.
- Sec. 608. Standby vessels.
- Sec. 609. Cap on penalty wages.

TITLE I—AUTHORIZATION

2	SEC. 101. AUTHORIZATION OF APPROPRIATIONS.
3	Funds are authorized to be appropriated for each of
4	the fiscal years 2012, 2013, and 2014 for necessary expenses
5	of the Coast Guard as follows:
6	(1) For the operation and maintenance of the
7	Coast Guard—
8	(A) \$6,819,505,000 for fiscal year 2012;
9	(B) \$6,922,645,000 for fiscal year 2013; and
10	(C) \$7,018,499,000 for fiscal year 2014;
11	of which \$24,500,000 is authorized for each of the fis-
12	cal years 2012, 2013, and 2014 to be derived from the
13	Oil Spill Liability Trust Fund to carry out the pur-
14	poses of section 1012(a)(5) of the Oil Pollution Act of
15	1990 (33 U.S.C. $2712(a)(5)$).
16	(2) For the acquisition, construction, rebuilding,

and improvement of aids to navigation, shore and off-

1	shore facilities, vessels, and aircraft, including related
2	equipment thereto—
3	(A) \$1,503,980,000 for fiscal year 2012;
4	(B) \$1,505,312,000 for fiscal year 2013; and
5	(C) \$1,506,549,000 for fiscal year 2014;
6	to remain available until expended, of which
7	\$20,000,000 for each of the fiscal years 2012, 2013,
8	and 2014 shall be derived from the Oil Spill Liability
9	Trust Fund to carry out the purposes of section
10	1012(a)(5) of the Oil Pollution Act of 1990.
11	(3) For the Coast Guard Reserve program, in-
12	cluding personnel and training costs, equipment, and
13	services—
14	(A) \$136,778,000 for fiscal year 2012;
15	(B) \$138,111,000 for fiscal year 2013; and
16	(C) \$139,311,000 for fiscal year 2014.
17	(4) For environmental compliance and restora-
18	tion of Coast Guard vessels, aircraft, and facilities
19	(other than parts and equipment associated with op-
20	eration and maintenance)—
21	(A) \$16,699,000 for fiscal year 2012;
22	(B) \$16,699,000 for fiscal year 2013; and
23	(C) \$16,700,000 for fiscal year 2014;
24	to remain available until expended.

1 (5) To the Commandant of the Coast Guard for 2 research, development, test, and evaluation of technologies, materials, and human factors directly re-3 lated to improving the performance of the Coast Guard's mission in search and rescue, aids to naviga-5 6 tion, marine safety, marine environmental protection, 7 enforcement of laws and treaties, ice operations, 8 oceanographic research, and defense readiness— 9 (A) \$19,779,000 for fiscal year 2012; 10 (B) \$19,848,000 for fiscal year 2013; and 11 (C) \$19,913,000 for fiscal year 2014; 12 of which \$650,000 for each of the fiscal years 2012, 13 2013, and 2014 shall be derived from the Oil Spill 14 Liability Trust Fund to carry out the purposes of sec-15 tion 1012(a)(5) of the Oil Pollution Act of 1990. 16 SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH 17 AND TRAINING. 18 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel 19 of 47,000 for each of the fiscal years 2012 through fiscal 20 21 year 2014. 22 (b) Military Training Student Loads.—The Coast 23 Guard is authorized average military training student loads for the each of the fiscal years 2012 through fiscal year 2014 as follows:

1	(1) For recruit and special training, 2,500 stu-
2	dent years.
3	(2) For flight training, 165 student years.
4	(3) For professional training in military and ci-
5	vilian institutions, 350 student years.
6	(4) For officer acquisition, 1,200 student years.
7	TITLE II—COAST GUARD AND
8	SERVICEMEMBER PARITY
9	SEC. 201. ACADEMY EMOLUMENTS.
10	Section 195 of title 14, United States Code, is amend-
11	ed—
12	(1) in subsection (c)—
13	(A) in the first sentence—
14	(i) by striking "person" and inserting
15	"foreign national"; and
16	(ii) by striking "pay and allowances,"
17	and inserting "pay, allowances, and emolu-
18	ments,"; and
19	(B) in the second sentence—
20	(i) by striking "A person" and insert-
21	ing "A foreign national"; and
22	(ii) by striking "pay and allowances,"
23	and inserting "pay, allowances, and emolu-
24	ments,"; and

1	(2) in subsection (d), by striking "A person" and
2	inserting "A foreign national".
3	SEC. 202. POLICY ON SEXUAL HARASSMENT AND SEXUAL VI-
4	OLENCE.
5	(a) Policy Requirement.—Chapter 9 of title 14,
6	United States Code, is amended by adding at the end the
7	following:
8	"§ 200. Policy on sexual harassment and sexual vio-
9	lence
10	"(a) Required Policy.—The Commandant shall di-
11	rect the Superintendent of the Coast Guard Academy to pre-
12	scribe a policy on sexual harassment and sexual violence
13	applicable to the cadets and other personnel of the Coast
14	Guard Academy.
15	"(b) Matters To Be Specified in Policy.—The
16	policy on sexual harassment and sexual violence prescribed
17	under this section shall include specification of the fol-
18	lowing:
19	"(1) Programs to promote awareness of the inci-
20	dence of rape, acquaintance rape, and other sexual of-
21	fenses of a criminal nature that involve cadets or
22	other Academy personnel.
23	"(2) Procedures that a cadet should follow in the
24	case of an occurrence of sexual harassment or sexual
25	violence, including—

1	"(A) if the cadet chooses to report an occur-
2	rence of sexual harassment or sexual violence, a
3	specification of the person or persons to whom
4	the alleged offense should be reported and the op-
5	$tions\ for\ confidential\ reporting;$
6	"(B) a specification of any other person
7	whom the victim should contact; and
8	"(C) procedures on the preservation of evi-
9	dence potentially necessary for proof of criminal
10	sexual assault.
11	"(3) Procedures for disciplinary action in cases
12	of alleged criminal sexual assault involving a cadet or
13	other Academy personnel.
14	"(4) Any other sanction authorized to be imposed
15	in a substantiated case of sexual harassment or sexual
16	violence involving a cadet or other Academy personnel
17	in rape, acquaintance rape, or any other criminal
18	sexual offense, whether forcible or nonforcible.
19	"(5) Required training on the policy for all ca-
20	dets and other Academy personnel, including the spe-
21	cific training required for personnel who process alle-
22	gations of sexual harassment or sexual violence in-
23	volving Academy personnel.
24	"(c) Annual Assessment.—

1	"(1) The Commandant shall direct the Super-
2	intendent of the Academy to conduct at the Academy
3	during each Academy program year an assessment to
4	determine the effectiveness of the policies, training,
5	and procedures of the Academy with respect to sexual
6	harassment and sexual violence involving Academy
7	personnel.
8	"(2) For the assessment at the Academy under
9	paragraph (1) with respect to an Academy program
10	year that begins in an odd-numbered calendar year,
11	the Superintendent shall conduct a survey of Acad-
12	emy personnel—
13	"(A) to measure—
14	"(i) the incidence, during that pro-
15	gram year, of sexual harassment and sexual
16	violence events, on or off the Academy res-
17	ervation, that have been reported to officials
18	of the Academy; and
19	"(ii) the incidence, during that pro-
20	gram year, of sexual harassment and sexual
21	violence events, on or off the Academy res-
22	ervation, that have not been reported to offi-
23	cials of the Academy; and
24	"(B) to assess the perceptions of Academy
25	personnel of—

1	"(i) the policies, training, and proce-
2	dures on sexual harassment and sexual vio-
3	lence involving Academy personnel;
4	"(ii) the enforcement of such policies;
5	"(iii) the incidence of sexual harass-
6	ment and sexual violence involving Acad-
7	emy personnel; and
8	"(iv) any other issues relating to sex-
9	ual harassment and sexual violence involv-
10	ing Academy personnel.
11	"(d) Annual Report.—
12	"(1) The Commandant shall direct the Super-
13	intendent of the Academy to submit to the Com-
14	mandant a report on sexual harassment and sexual
15	violence involving cadets or other personnel at the
16	Academy for each Academy program year.
17	"(2) Each report under paragraph (1) shall in-
18	clude, for the Academy program year covered by the
19	report, the following:
20	"(A) The number of sexual assaults, rapes,
21	and other sexual offenses involving cadets or
22	other Academy personnel that have been reported
23	to Academy officials during the program year
24	and, of those reported cases, the number that
25	have been substantiated.

1	"(B) The policies, procedures, and processes
2	implemented by the Commandant and the lead-
3	ership of the Academy in response to sexual har-
4	assment and sexual violence involving cadets or
5	other Academy personnel during the program
6	year.
7	"(C) A plan for the actions that are to be
8	taken in the following Academy program year
9	regarding prevention of and response to sexual
10	harassment and sexual violence involving cadets
11	or other Academy personnel.
12	"(3) Each report under paragraph (1) for an
13	Academy program year that begins in an odd-num-
14	bered calendar year shall include the results of the
15	survey conducted in that program year under sub-
16	section $(c)(2)$.
17	"(4)(A) The Commandant shall transmit to the
18	Board of Visitors of the Academy each report received
19	by the Commandant under this subsection, together
20	with the Commandant's comments on the report.
21	"(B) The Commandant shall transmit each such
22	report, together with the Commandant's comments on
23	the report, to the Committee on Commerce, Science,

and Transportation of the Senate and the Committee

1	on	Transportati	on and	Infrastructure	of the	House	of
				•/	/		/

- 2 Representatives.".
- 3 (b) Conforming Repeal.—Section 217 of the Coast
- 4 Guard Authorization Act of 2010 (14 U.S.C. 93 note), and
- 5 the item relating to such section in the table of contents
- 6 in section 1(b) of such Act, are repealed.
- 7 (c) Technical and Clerical Amendments.—The
- 8 analysis at the beginning of such chapter is amended by
- 9 adding at the end the following:

"200. Policy on sexual harassment and sexual violence.".

10 SEC. 203. APPOINTMENTS OF PERMANENT COMMISSIONED

- 11 **OFFICERS.**
- 12 Section 211 of title 14, United States Code, is amended
- 13 by adding at the end the following:
- 14 "(d) For the purposes of this section, the term 'origi-
- 15 nal', with respect to the appointment of a member of the
- 16 Coast Guard refers to that member's most recent appoint-
- 17 ment in the Coast Guard that is neither a promotion nor
- 18 a demotion.".

19 SEC. 204. MINOR CONSTRUCTION.

- 20 (a) In General.—Section 656 of title 14, United
- 21 States Code, is amended by adding at the end the following:
- 22 "(d) Minor Construction and Improvement.—
- 23 "(1) Subject to the reporting requirements set
- 24 forth in paragraph (2), the Secretary may expend not
- 25 more than \$1,500,000 from amounts available for the

- operating expenses of the Coast Guard for minor construction and improvement projects at any one location.
 - "(2) No later than 90 days after the end of each fiscal year, the Secretary shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on each project undertaken during the course of the preceding fiscal year, for which the amount expended under paragraph (1) exceeded \$500,000."

(b) CLERICAL AMENDMENT.—

- (1) Section 656 of title 14, United States Code, is further amended in the heading by adding at the end the following: "; use of moneys appropriated for operating expenses for minor construction and improvement".
- (2) The analysis at the beginning of chapter 17 of such title is amended in the item relating to section 656 by striking "waters." and inserting "waters; use of moneys appropriated for operating expenses for minor construction and improvement.".

1	SEC. 205. TREATMENT OF REPORTS OF AIRCRAFT ACCI-
2	DENT INVESTIGATIONS.
3	(a) In General.—Chapter 17 of title 14, United
4	States Code, is amended by adding at the end the following:
5	"§ 678. Treatment of reports of aircraft accident inves-
6	tigations
7	"(a) In General.—Whenever the Commandant con-
8	ducts an accident investigation of an accident involving an
9	aircraft under the jurisdiction of the Commandant, the
10	records and report of the investigation shall be treated in
11	accordance with this section.
12	"(b) Public Disclosure of Certain Accident In-
13	VESTIGATION INFORMATION.—
14	"(1) Subject to paragraph (2), the Commandant,
15	upon request, shall publicly disclose unclassified
16	tapes, scientific reports, and other factual information
17	pertinent to an aircraft accident investigation.
18	"(2) The Commandant shall not disclose the in-
19	formation requested in paragraph (1) unless the Com-
20	mandant determines—
21	"(A) that such tapes, reports, or other infor-
22	mation would be included within and releasable
23	with the final accident investigation report; and
24	"(B) that release of such tapes, reports, or
25	other information—

1	"(i) would not undermine the ability of
2	accident or safety investigators to continue
3	to conduct the investigation; and
4	"(ii) would not compromise national
5	security.
6	"(3) A disclosure under paragraph (1) may not
7	be made by or through officials with responsibility
8	for, or who are conducting, a safety investigation
9	with respect to the accident.
10	"(c) Opinions Regarding Causation of Acci-
11	DENT.—Following an aircraft accident referred to in sub-
12	section (a)—
13	"(1) if the evidence surrounding the accident is
14	sufficient for the investigators who conduct the acci-
15	dent investigation to come to an opinion as to the
16	cause or causes of the accident, the final report of the
17	accident investigation shall set forth the opinion of
18	the investigators as to the cause or causes of the acci-
19	dent; and
20	"(2) if the evidence surrounding the accident is
21	not sufficient for the investigators to come to an opin-
22	ion as to the cause or causes of the accident, the final
23	report of the accident investigation shall include a de-
24	scription of those factors, if any, that, in the opinion

1	of the investigators, substantially contributed to or
2	caused the accident.
3	"(d) Use of Information in Civil Proceedings.—
4	For purposes of any civil or criminal proceeding arising
5	from an aircraft accident referred to in subsection (a), any
6	opinion of the accident investigators as to the cause of, or
7	the factors contributing to, the accident set forth in the acci-
8	dent investigation report may not be considered as evidence
9	in such proceeding, nor may such report be considered an
10	admission of liability by the United States or by any person
11	referred to in such report.
12	"(e) Regulations.—The Commandant shall prescribe
13	regulations to carry out this section.
14	"(f) Definitions.—For purposes of this section—
15	"(1) the term 'accident investigation' means any
16	form of investigation by Coast Guard personnel of an
17	aircraft accident referred to in subsection (a), other
18	than a safety investigation; and
19	"(2) the term 'safety investigation' means an in-
20	vestigation by Coast Guard personnel of an aircraft
21	accident referred to in subsection (a), that is con-
22	ducted solely to determine the cause of the accident
23	and to obtain information that may prevent the oc-
24	currence of similar accidents.".

1	(b) Clerical Amendment.—The analysis at the be-
2	ginning of such chapter is amended by adding at the end
3	the following:
	"678. Treatment of reports of aircraft accident investigations.".
4	SEC. 206. ACQUISITION WORKFORCE EXPEDITED HIRING
5	AUTHORITY.
6	Section 404 of the Coast Guard Authorization Act of
7	2010 (Public Law 111–281; 124 Stat. 2950) is amended—
8	(1) in subsection (a)(1), by striking "as shortage
9	category positions;" and inserting "as positions for
10	which there exists a shortage of candidates or there is
11	a critical hiring need;"; and
12	(2) in subsection (b)—
13	(A) by striking "paragraph" and inserting
14	"section"; and
15	(B) by striking "2012." and inserting
16	"2015.".
17	SEC. 207. COAST GUARD HOUSING REPORT.
18	In conjunction with the transmittal by the President
19	of the budget of the United States for fiscal year 2013, the
20	Commandant of the Coast Guard shall submit to the Com-
21	mittee on Commerce, Science, and Transportation of the
22	Senate and the Committee on Transportation and Infra-
23	structure of the House of Representatives a report on the
24	status of Coast Guard servicemember housing, including—

1	(1) a statement of the Coast Guard's housing
2	needs requirements;
3	(2) an assessment of the condition of the Coast
4	Guard's current housing inventory, including both
5	leased and owned property;
6	(3) an assessment of housing available for Coast
7	Guard use from surrounding communities and other
8	government agencies for all duty stations;
9	(4) a list of housing capacity shortfalls and ex-
10	cess; and
11	(5) a revised prioritized list of housing mainte-
12	nance and recapitalization projects.
13	TITLE III—COAST GUARD
14	REFORM
15	SEC. 301. REPEALS.
16	(a) District Ombudsman.—Section 55 of title 14,
17	United States Code, and the item relating to such section
18	in the analysis for chapter 3 of such title, are repealed.
19	(b) FAA AIR AIDS TO NAVIGATION.—Section 82 of
20	title 14, United States Code, and the item relating to such
21	section in the analysis for chapter 5 of such title, are re-
22	pealed.
23	(c) Ocean Stations.—Section 90 of title 14, United
24	States Code, and the item relating to such section in the
25	analysis for chapter 5 of such title, are repealed.

1 (d) Detail of Members To Assist Foreign Gov-ERNMENTS.—Section 149(a) of title 14, United States Code, is amended by striking the second and third sentences. 4 (e) Advisory Committee.—Section 193 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed. 7 (f) History Fellowships.—Section 198 of title 14, 8 United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed. 10 (q) Acquisition Awards.—Section 563 of title 14, 11 United States Code, and the item relating to such section in the analysis for chapter 15 of such title, are repealed. 12 13 SEC. 302. INTERFERENCE WITH COAST GUARD TRANS-14 MISSIONS. 15 Section 88 of title 14, United States Code, is amended by adding the following: 16 17 "(e) An individual who knowingly and willfully operates a device that interferes with the broadcast or reception 18 of a radio, microwave, or other signal (including a signal 19 from a global positioning system) transmitted, retransmitted, or augmented by the Coast Guard for the purpose 22 of maritime safety is— 23 "(1) guilty of a class E felony; and 24 "(2) subject to civil penalty of not more than

\$1,000 per day for each violation.".

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1 SEC. 303. NATIONAL SECURITY CUTTERS.

2	(a) In General.—Subchapter I of chapter 15 of title
3	14, United States Code is amended by adding at the end
4	the following new section:
5	"§ 569a. National security cutters
6	"(a) Sixth National Security Cutter.—The Com-
7	mandant may not begin production of a sixth national se-
8	curity cutter on any date before which the Commandant—
9	"(1) has acquired a sufficient number of Long
10	Range Interceptor II and Cutter Boat Over the Hori-
11	zon IV small boats for each of the first three national
12	security cutters and has submitted to the Committee
13	on Commerce, Science, and Transportation of the
14	Senate and the Committee on Transportation and In-
15	frastructure of the House of Representatives a plan to
16	provide such boats upon the date of delivery of each
17	subsequent national security cutter;
18	"(2) has achieved the goal of 225 days away
19	from homeport for each of the first two national secu-
20	rity cutters; and
21	"(3) has submitted to the Committee on Com-
22	merce, Science, and Transportation of the Senate and
23	the Committee on Transportation and Infrastructure
24	of the House of Representatives a program execution
25	plan detailing increased aerial coverage to support
26	national security cutter operations.

- 1 "(b) SEVENTH NATIONAL SECURITY CUTTER.—The
- 2 Commandant may not begin production of a seventh na-
- 3 tional security cutter on any date before which the Com-
- 4 mandant has selected an offshore patrol cutter that meets
- 5 at least the minimum operational requirements set out in
- 6 the Operational Requirements Document approved by the
- 7 department in which the Coast Guard is operating on Octo-
- 8 ber 20, 2010.".
- 9 (b) Clerical Amendment.—The analysis at the be-
- 10 ginning of such chapter is amended by adding at the end
- 11 of the items relating to such subchapter the following: "569a. National security cutters.".
- 12 SEC. 304. MAJOR ACQUISITIONS REPORT.
- 13 (a) In General.—Subchapter I of chapter 15 of title
- 14 14, United States Code, is further amended by adding at
- 15 the end the following:
- 16 "§ 569b. Major acquisitions report
- 17 "(a) Major Acquisition Programs Implementa-
- 18 TION REPORT.—In conjunction with the transmittal by the
- 19 President of the budget of the United States for fiscal year
- 20 2013 and every two fiscal years thereafter, the Secretary
- 21 shall submit to the Committee on Commerce, Science, and
- 22 Transportation of the Senate and the Committee on Trans-
- 23 portation and Infrastructure of the House of Representa-
- 24 tives a report on the status of all major acquisition pro-
- 25 *grams*.

1	"(b) Information To Be Included.—The report
2	shall include for each major acquisition program—
3	"(1) a statement of Coast Guard's mission needs
4	and performance goals for such program, including a
5	justification for any change to those needs and goals
6	from any report previously submitted under this sub-
7	section;
8	"(2) a justification for how the projected number
9	and capabilities of each planned acquisition program
10	asset meets those mission needs and performance
11	goals;
12	"(3) an identification of any and all mission
13	hour gaps, accompanied by an explanation on how
14	and when the Coast Guard will close those gaps;
15	"(4) an identification of any changes to such
16	program, including—
17	"(A) any changes to the timeline for the ac-
18	quisition of each new asset and the phase out of
19	legacy assets; and
20	"(B) any changes to the costs of new assets
21	and legacy assets for that fiscal year, future fis-
22	cal years, or the total acquisition cost;
23	"(5) a justification for how any change to such
24	program fulfills the mission needs and performance
25	goals of the Coast Guard;

1	"(6) a description of how the Coast Guard is
2	planning for the integration of each new asset ac-
3	quired under such program into the Coast Guard, in-
4	cluding needs related to shore-based infrastructure
5	and human resources;
6	"(7) an identification of how funds in that fiscal
7	year's budget request will be allocated, including in-
8	formation on the purchase of specific assets;
9	"(8) a projection of the remaining operational
10	lifespan and lifecycle cost of each legacy asset that
11	also identifies any anticipated resource gaps;
12	"(9) a detailed explanation of how the costs of
13	the legacy assets are being accounted for within such
14	program;
15	"(10) an annual performance comparison of new
16	assets to legacy assets; and
17	"(11) an identification of the scope of the antici-
18	pated acquisitions workload for the next fiscal year;
19	the number of officers, members, and employees of the
20	Coast Guard currently assigned to positions in the
21	acquisition workforce; and a determination on the

adequacy of the current acquisition workforce to meet

that anticipated workload, including the specific posi-

tions that are or will be understaffed, and actions

that will be taken to correct such understaffing.

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1	"(c) Cutters Not Maintained in Class.—Each re-
2	port under subsection (a) shall identify which, if any, Coast
3	Guard cutters that have been issued a certificate of classi-
4	fication by the American Bureau of Shipping have not been
5	maintained in class with an explanation detailing the rea-
6	sons why they have not been maintained in class.
7	"(d) Definition.—For the purposes of this section, the
8	term 'major acquisition program' means an ongoing acqui-
9	sition undertaken by the Coast Guard with a life-cycle cost
10	estimate greater than or equal to \$300,000,000.".
11	(b) Clerical Amendment.—The analysis at the be-
12	ginning of such chapter is further amended by adding at
13	the end of the items relating to such subchapter the fol-
14	lowing:
	"569b. Major acquisitions report.".
15	(c) Repeal.—
16	(1) Section 408 of the Coast Guard and Mari-
17	time Transportation Act of 2006 (120 Stat. 537) is
18	amended by striking subsection (a).
19	(2) Title 14, United States Code, is amended—
20	(A) in section 562, by striking subsection
21	(e) and redesignating subsections (f) and (g) as
22	subsections (e) and (f), respectively; and
23	(B) in section $573(c)(3)$, by striking sub-
24	paragraph (B).

1	SEC. 305. ENVIRONMENTAL COMPLIANCE AND RESTORA-
2	TION BACKLOG.
3	(a) In General.—Section 693 of title 14, United
4	States Code, is amended to read as follows:
5	"§ 693. Annual report to Congress
6	"The Commandant of the Coast Guard shall submit
7	to the Committee on Transportation and Infrastructure of
8	the House of Representatives and the Committee on Com-
9	merce, Science, and Transportation of the Senate the
10	prioritized list of projects eligible for environmental compli-
11	ance and restoration funding for each fiscal year concurrent
12	with the President's budget submission for that fiscal
13	year.".
14	(b) Clerical Amendment.—The analysis for chapter
15	19 of such title is amended by striking the item for such
16	section and inserting the following:
	"693. Annual report to Congress.".
17	SEC. 306. COAST GUARD AUXILIARIST ENROLLMENT ELIGI-
18	BILITY.
19	Section 823 of title 14, United States Code, is amended
20	by striking "citizens of the United States and its territories
21	and possessions," and inserting "nationals of the United
22	States (as such term is defined in section 101(a)(22) of the
23	Immigration and Nationality Act (8 U.S.C. 1101(a)(22))

24 and aliens lawfully admitted for permanent residence (as

- 1 such term is defined in section 101(a)(20) of such Act (8
- 2 U.S.C. 1101 (a)(20))),".
- 3 SEC. 307. DECOMMISSIONINGS.
- 4 (a) Polar Sea.—Not later than 6 months after the
- 5 date of enactment of this Act, the Commandant of the Coast
- 6 Guard shall decommission the USCGC POLAR SEA
- 7 (WAGB 11).
- 8 (b) POLAR STAR.—Not later than 3 years after the
- 9 date of enactment of this Act, the Commandant of the Coast
- 10 Guard shall decommission the USCGC POLAR STAR
- 11 (WAGB 10).
- 12 SEC. 308. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST
- 13 GUARD PRESENCE IN HIGH LATITUDE RE-
- 14 GIONS.
- Not later than 60 days after the date of enactment of
- 16 this Act, the Secretary of the department in which the Coast
- 17 Guard is operating shall submit a report to the Committee
- 18 on Commerce, Science, and Transportation of the Senate
- 19 and the Committee on Transportation and Infrastructure
- 20 of the House of Representatives assessing the need for addi-
- 21 tional Coast Guard prevention and response capability in
- 22 the high latitude regions. The assessment shall address needs
- 23 for all Coast Guard mission areas, including search and
- 24 rescue, marine pollution response and prevention, fisheries

1	enforcement, and maritime commerce. The Secretary shall
2	include in the report—
3	(1) an assessment of the high latitude operating
4	capabilities of all current Coast Guard assets other
5	than icebreakers, including assets acquired under the
6	$Deep water\ program;$
7	(2) an assessment of projected needs for Coast
8	Guard operations in the high latitude regions; and
9	(3) an assessment of shore infrastructure, per-
10	sonnel, logistics, communications, and resources re-
11	quirements to support Coast Guard operations in the
12	high latitude regions, including forward operating
13	bases and existing infrastructure in the furthest north
14	locations that are ice free, or nearly ice free, year
15	round.
16	SEC. 309. LIMITATION ON EXPENDITURES.
17	Section 149(d) of title 14, United States Code, is
18	amended by adding at the end the following:
19	"(3) The amount of funds used under this sub-
20	section may not exceed \$100,000 in any fiscal year.".
21	SEC. 310. RESTRICTION ON THE USE OF AIRCRAFT.
22	(a) Restriction.—Except as provided in subsection
23	(b), the Secretary of the department in which the Coast
24	Guard is operating and the Commandant of the Coast
25	Guard may not travel aboard any Coast Guard owned or

1	operated fixed-wing aircraft if the Secretary has not pro-
2	vided the Committee on Transportation and Infrastructure
3	of the House of Representatives and the Committee on Com-
4	merce, Science, and Transportation of the Senate all of the
5	following:
6	(1) A cost-constrained Fleet Mix Analysis.
7	(2) The notification required under section 219
8	of the Coast Guard Authorization Act of 2010 (Public
9	Law 111–281; 124 Stat. 2918).
10	(b) Exception.—The Secretary and the Commandant
11	may travel aboard a Coast Guard owned and operated
12	fixed-wing aircraft—
13	(1) to respond to a major disaster or emergency
14	declared under section 401 of the Robert T. Stafford
15	Disaster Relief and Emergency Assistance Act (42
16	U.S.C. 5170);
17	(2) to respond to a discharge classified as a spile
18	of national significance under part 300.323 of title
19	40, Code of Federal Regulations; or
20	(3) for evacuation purposes including for a med-
21	ical emergency.

1	TITLE IV—SHIPPING AND
2	<i>NAVIGATION</i>
3	SEC. 401. COMMITTEE ON THE MARINE TRANSPORTATION
4	SYSTEM.
5	(a) In General.—Chapter 555 of title 46, United
6	States Code, is amended by adding at the end the following:
7	"§ 55502. Committee on the Marine Transportation
8	System
9	"(a) Establishment.—There is established a Com-
10	mittee on the Marine Transportation System (in this sec-
11	tion referred to as the 'Committee').
12	"(b) Purpose.—The Committee shall—
13	"(1) assess the adequacy of the marine transpor-
14	tation system (including ports, waterways, channels,
15	and their intermodal connections);
16	"(2) develop and implement policies to promote
17	an efficient marine transportation system; and
18	"(3) coordinate policies among Federal agencies
19	to promote an efficient marine transportation system.
20	"(c) Membership.—
21	"(1) In general.—The Committee shall consist
22	of the Secretary of Transportation, the Secretary of
23	Defense, the Secretary of Homeland Security, the Sec-
24	retary of Commerce, the Secretary of the Treasury,
25	the Secretary of State, the Secretary of the Interior,

- the Secretary of Agriculture, the Attorney General, the
 Secretary of Labor, the Secretary of Energy, the Administrator of the Environmental Protection Agency,
 the Chairman of the Federal Maritime Commission,
 and the head of any other Federal agency that the
 Committee Chair, with the approval of a majority of
 the voting members of the Committee, determines can
 further the purpose and activities of the Committee.
 - "(2) Ex-OFFICIO MEMBERS.—The Committee may also consist of so many nonvoting members as the Committee Chair, with the approval of a majority of the voting members of the Committee, determines is appropriate to further the purpose and activities of the Committee.
 - "(3) CHAIRMAN.—The Chair of the Committee shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined with the approval of a majority of the voting members of the Committee.
- 22 "(d) Support.—

23 "(1) COORDINATING BOARD.—Each member of 24 the Committee may select a senior level representative

1	to serve on a coordinating board which shall assist the
2	Committee in carrying out its purpose and activities.
3	"(2) Executive director.—The Secretary of
4	Transportation, in consultation with the Secretary of
5	Defense, the Secretary of Homeland Security, and the
6	Secretary of Commerce, shall select an executive direc-
7	tor to assist the Committee in carrying out its pur-
8	pose and activities.
9	"(e) Marine Transportation System Assessment
10	AND STRATEGY.—Not later than one year after the date of
11	enactment of this Act and every 5 years thereafter, the Com-
12	mittee shall provide a report to Congress which includes—
13	"(1) steps taken to implement actions rec-
14	ommended in the July 2008 'National Strategy for
15	the Marine Transportation System: A Framework for
16	Action';
17	"(2) an assessment of the condition of the marine
18	$transportation\ system;$
19	"(3) a discussion of the challenges the system
20	faces in meeting user demand;
21	"(4) a plan with recommended actions for im-
22	proving the marine transportation system to meet
23	current and future challenges; and

1	"(5) steps taken to implement actions rec-
2	ommended in previous reports required under this
3	subsection.
4	"(f) Consultation.—In carrying out its purpose and
5	activities, the Committee may consult with the Marine
6	Transportation System National Advisory Council, inter-
7	ested parties, and the public.".
8	(b) Clerical Amendment.—The table of sections at
9	the beginning of such chapter is amended by inserting after
10	the item relating to section 55501 the following:
	"55502. Committee on the Marine Transportation System.".
11	SEC. 402. REPORT ON DETERMINATIONS.
12	Not later than 180 days after the date of enactment
13	of this Act, the Secretary of the department in which the
14	Coast Guard is operating shall provide to the Committee
15	on Transportation and Infrastructure of the House of Rep-
16	resentatives and the Committee on Commerce, Science, and
17	Transportation of the Senate a report on—
18	(1) the loss of United States shippard jobs and
19	industrial base expertise as a result of rebuild, conver-
20	sion, and double-hull work on United States-flag ves-
21	sels eligible to engage in the coastwise trade being per-
22	formed in foreign shipyards;
23	(2) enforcement of the Coast Guard's foreign re-
24	build determination regulations: and

1	(3) recommendations for improving the trans-
2	parency in the Coast Guard's foreign rebuild deter-
3	mination process.
4	SEC. 403. DOCKSIDE EXAMINATIONS.
5	(a) In General.—Section 4502(f) of title 46, United
6	states Code, is amended—
7	(1) in paragraph (2) by striking "at least once
8	every 2 years" and inserting "at least once every 5
9	years";
10	(2) by striking "and" after the semicolon at the
11	end of paragraph (1);
12	(3) by striking the period at the end of para-
13	graph (2) and inserting "; and"; and
14	(4) by adding at the end the following:
15	"(3) shall complete the first examination of a
16	dockside vessel under this section no later than Octo-
17	ber 15, 2015.".
18	(b) Database.—Section 4502(g)(4) of title 46, United
19	States Code, is amended by striking "a publicly accessible"
20	and inserting "an".
21	SEC. 404. RECOURSE FOR NONCITIZENS.
22	Section 30104 of title 46, United States Code, is
23	amended—
24	(1) by inserting "(a) In General.—" before the
25	first sentence; and

1	(2) by adding at the end the following new sub-
2	section:
3	"(b) Recourse for Nonresident Alien Seamen
4	Employed on Foreign Passenger Vessels.—A claim
5	for damages or expenses relating to personal injury, illness,
6	or death of a seaman who is a citizen of a foreign nation,
7	arising during or from the engagement of the seaman by
8	or for a passenger vessel duly registered under the laws of
9	a foreign nation, may not be brought under the laws of the
10	United States if—
11	"(1) such seaman was not a permanent resident
12	alien of the United States at the time the claim arose;
13	"(2) the injury, illness, or death arose outside the
14	territorial waters of the United States; and
15	"(3) the seaman or the seaman's personal rep-
16	resentative has or had a right to seek compensation
17	for the injury, illness, or death in, or under the laws
18	of—
19	"(A) the nation in which the vessel was reg-
20	istered at the time the claim arose; or
21	"(B) the nation in which the seaman main-
22	tained citizenship or residency at the time the
23	claim arose.".

1	SEC. 405. MARITIME LIENS ON FISHING PERMITS.
2	(a) In General.—Subchapter I of chapter 313 of title
3	46, United States Code, is amended by adding at the end
4	the following:
5	"§31310. Limitation on maritime liens on fishing per-
6	mit and permit description
7	"(a) In General.—This chapter—
8	"(1) does not establish a maritime lien on a per-
9	mit that—
10	"(A) authorizes a person or use of a vessel
11	to engage in fishing; and
12	"(B) is issued under State or Federal law;
13	and
14	"(2) does not authorize any civil action to en-
15	force a maritime lien on such a permit.
16	"(b) Fishing Permit Described.—A fishing per-
17	mit—
18	"(1) is governed solely by the State or Federal
19	law under which it was issued; and
20	"(2) is not included in the whole of a vessel or
21	as an appurtenance or intangible of a vessel for any
22	purpose.
23	"(c) Limitation on Statutory Construction.—
24	Nothing in subsections (a) and (b) shall be construed as
25	imposing any limitation upon the authority of the Sec-
26	retary of Commerce to modify, suspend, revoke, or sanction

1	any Federal fishery permit issued by the Secretary of Com-
2	merce or to bring a civil action to enforce such modifica-
3	tion, suspension, revocation, or sanction.".
4	(b) Clerical Amendment.—The table of sections at
5	the beginning of such chapter is amended by inserting after
6	the item relating to section 31309 the following:
	"31310. Limitation on maritime liens on fishing permit and permit description."
7	SEC. 406. SHORT SEA TRANSPORTATION.
8	(a) Purpose of Program and Projects; Reau-
9	THORIZATION; TERMINATION.—Section 55601 of title 46,
10	United States Code, is amended—
11	(1) in subsection (a), by striking 'landside con-
12	gestion." and inserting "landside congestion and to
13	promote increased use of the navigable waters of the
14	United States for transportation of passengers or
15	freight (or both).";
16	(2) in subsection (c), by inserting "and to pro-
17	mote waterborne transportation between ports within
18	the United States" after "coastal corridors";
19	(3) in subsection (d), by striking "that the
20	project may—" and all that follows through the end
21	of the subsection and inserting "that the project uses
22	documented vessels and—
23	"(1) mitigates landside congestion; or
24	"(2) promotes waterborne transportation between
25	ports of the United States.";

1	(4) by striking subsection (f) and redesignating
2	subsection (g) as subsection (f);
3	(5) in subsection (f), as so redesignated, by add-
4	ing at the end the following—
5	"(4) Authorization of Appropriations.—
6	There is authorized to be appropriated not more than
7	\$5,000,000 for each of the fiscal years 2012 through
8	fiscal year 2017 for grants under this subsection.";
9	and
10	(6) by adding at the end the following:
11	"(g) Termination of Authority grant-
12	ed to the Secretary under this section shall terminate Sep-
13	tember 30, 2017.".
14	(b) Short Sea Transportation Definition.—Sec-
15	tion 55605 of title 46, United States Code, is amended by
16	striking "means the carriage by vessel of cargo—" and in-
17	serting "means the carriage of passengers or freight (or
18	both) by a vessel documented under the laws of the United
19	States—".
20	SEC. 407. MISSION OF THE MARITIME ADMINISTRATION.
21	Section 109(a) of title 49, United States Code, is
22	amended—
23	(1) in the subsection heading by striking "ORGA-
24	NIZATION" and inserting "ORGANIZATION AND MIS-
25	SION"; and

1	(2) by inserting at the end the following: "The
2	mission of the Maritime Administration is to foster,
3	promote, and develop the domestic merchant maritime
4	industry of the United States.".
5	TITLE V—FEDERAL MARITIME
6	COMMISSION
7	SEC. 501. AUTHORIZATION OF APPROPRIATIONS.
8	Section 501 of the Coast Guard and Maritime Trans-
9	portation Act of 2004 (Public Law 108–293; 118 Stat.
10	1049) is amended by striking "Commission—" and all that
11	follows through the period at the end of the section and in-
12	serting "Commission for each of the fiscal years 2012
13	through 2015, \$22,100,000.".
14	TITLE VI—MISCELLANEOUS
15	SEC. 601. TECHNICAL CORRECTIONS.
16	(a) Title 14.—Title 14, United States Code, is
17	amended—
18	(1) in section 564, by striking subsection (d);
19	and
20	(2) in section 569(a), by striking "and annually
21	thereafter,".
22	(b) Study of Bridges.—Section 905 of the Coast
23	Guard Authorization Act of 2010 (Public Law 111–281;
24	124 Stat. 3012) is amended to read as follows:

1 "SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

- 2 "The Commandant of the Coast Guard shall submit
- 3 to the Committee on Commerce, Science, and Transpor-
- 4 tation of the Senate and the Committee on Transportation
- 5 and Infrastructure of the House of Representatives a com-
- 6 prehensive study on the construction or alteration of any
- 7 bridge, drawbridge, or causeway over the navigable waters
- 8 of the United States with a channel depth of 25 feet or
- 9 greater that may impede or obstruct future navigation to
- 10 or from port facilities, for which a permit under the Act
- 11 of March 23, 1906 (chapter 1130; 33 U.S.C. 491 et seq.),
- 12 popularly known as the Bridge Act of 1906, was requested
- 13 on or after January 1, 2006 and on or before August 3,
- 14 2011.".

15 SEC. 602. REPORT ON COAST GUARD MERCHANT MARINER

- 16 *MEDICAL EVALUATION PROGRAM.*
- 17 (a) In General.—Not later than 180 days after the
- 18 date of enactment of this Act, the Commandant of the Coast
- 19 Guard shall submit to the Committee on Transportation
- 20 and Infrastructure of the House of Representatives and the
- 21 Committee on Commerce, Science, and Transportation of
- 22 the Senate a report on the Coast Guard National Maritime
- 23 Center's merchant mariner medical evaluation program
- 24 and alternatives to the program.
- 25 (b) Contents.—The report required under subsection
- 26 (a) shall include the following:

- 1 (1) An overview of the adequacy of the program 2 for making medical certification determinations for 3 issuance of merchant mariners' documents.
- 4 (2) An analysis of how a system similar to the 5 Federal Motor Carrier Safety Administration's Na-6 tional Registry of Certified Medical Examiners pro-7 gram, and the Federal Aviation Administration's 8 Designated Aviation Medical Examiners program, 9 could be applied by the Coast Guard to make medical fitness determinations for issuance of merchant mari-10 11 ners' documents.
- 12 (3) An explanation of how the amendments to 13 the International Convention on Standards of Train-14 ing, Certification and Watchkeeping for Seafarers, 15 1978, that enter into force on January 1, 2012, will 16 require changes to the Coast Guard's merchant mar-17 iner medical evaluation program.

18 SEC. 603. NOTICE OF ARRIVAL.

- The regulations required under section 109(a) of Pub-20 lic Law 109–347 (33 U.S.C. 1223 note) on notice of arrival 21 for foreign vessels on the Outer Continental Shelf shall not 22 apply to a vessel documented under section 12105 of title 23 46, United States Code, unless such vessel arrives from a
- 24 foreign port or place.

SEC. 604. TECHNICAL CORRECTIONS TO TITLE 14. 2 Chapter 1 of title 14, United States Code, is amended 3 to read as follows: 4 "CHAPTER 1—ESTABLISHMENT AND 5 **DUTIES** "Sec. "1. Establishment of Coast Guard. "2. Primary duties. "3. Department in which the Coast Guard operates. "4. Secretary defined. "§ 1. Establishment of Coast Guard 7 "The Coast Guard shall be a military service and a branch of the armed forces of the United States at all times. 8 9 "§ 2. Primary duties 10 "The Coast Guard shall— 11 "(1) enforce or assist in the enforcement of all 12 applicable Federal laws on, under, and over the high 13 seas and waters subject to the jurisdiction of the 14 United States; 15 "(2) engage in maritime air surveillance or 16 interdiction to enforce or assist in the enforcement of 17 the laws of the United States: 18 "(3) administer laws and promulgate and en-19 force regulations for the promotion of safety of life 20 and property on and under the high seas and waters 21 subject to the jurisdiction of the United States cov-22 ering all matters not specifically delegated by law to

some other executive department;

- "(4) develop, establish, maintain, and operate,
 with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;
 - "(5) pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States;
- "(6) engage in oceanographic research of the high
 seas and in waters subject to the jurisdiction of the
 United States; and
 - "(7) maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities.

19 "§3. Department in which the Coast Guard operates

- 20 "(a) The Coast Guard shall be a service in the Depart-21 ment of Homeland Security, except when operating as a 22 service in the Navy.
- 23 "(b) Upon the declaration of war if Congress so directs 24 in the declaration or when the President directs, the Coast 25 Guard shall operate as a service in the Navy, and shall

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1	so continue until the President, by Executive order, trans-
2	fers the Coast Guard back to the Department of Homeland
3	Security. While operating as a service in the Navy, the
4	Coast Guard shall be subject to the orders of the Secretary
5	of the Navy, who may order changes in Coast Guard oper-
6	ations to render them uniform, to the extent such Secretary
7	deems advisable, with Navy operations.
8	"(c) Whenever the Coast Guard operates as a service
9	in the Navy:
10	"(1) applicable appropriations of the Navy De-
11	partment shall be available for the expense of the
12	Coast Guard;
13	"(2) applicable appropriations of the Coast
14	Guard shall be available for transfer to the Navy De-
15	partment;
16	"(3) precedence between commissioned officers of
17	corresponding grades in the Coast Guard and the
18	Navy shall be determined by the date of rank stated
19	by their commissions in those grades;
20	"(4) personnel of the Coast Guard shall be eligi-
21	ble to receive gratuities, medals, and other insignia of
22	honor on the same basis as personnel in the naval
23	service or serving in any capacity with the Navy; and
24	"(5) the Secretary may place on furlough any of-
25	ficer of the Coast Guard and officers on furlough shall

- 1 receive one half of the pay to which they would be en-
- 2 titled if on leave of absence, but officers of the Coast
- 3 Guard Reserve shall not be so placed on furlough.

4 "§ 4. Secretary defined

- 5 "In this title, the term 'Secretary' means the Secretary
- 6 of the respective department in which the Coast Guard is
- 7 operating.".

8 SEC. 605. DISTANT WATER TUNA FLEET.

- 9 Section 421(d) of the Coast Guard and Maritime
- 10 Transportation Act of 2006 (Public Law 109–241; 120
- 11 Stat. 548) is amended by striking "on December 31, 2012"
- 12 and inserting "on the date the Treaty on Fisheries Between
- 13 the Governments of Certain Pacific Island States and the
- 14 Government of the United States of America ceases to have
- 15 effect for any party under Article 12.6 or 12.7 of such trea-
- 16 ty, as in effect on the date of enactment of the Coast Guard
- 17 and Maritime Transportation Act of 2011".

18 **SEC. 606. WAIVERS.**

- 19 (a) In General.—Notwithstanding sections 12112
- 20 and 12132 and chapter 551 of title 46, United States Code,
- 21 the Secretary of the department in which the Coast Guard
- 22 is operating may issue a certificate of documentation with
- 23 a coastwise endorsement for each of the following vessels:
- 24 (1) M/V GEYSIR (United States official number
- 25 *622178*).

1	(2) MACY-RENEE (United States official num-
2	ber 1107319)
3	(3) OCEAN VERITAS (IMO number 7366805).
4	(4) LUNA (United States official number
5	280133).
6	(5) IL MORO DI VENEZIA IV (United States
7	official number 1028654)
8	(b) Documentation of LNG Tankers.—
9	(1) In General.—Notwithstanding sections
10	12112 and 12132 and chapter 551 of title 46, United
11	States Code, the Secretary of the department in which
12	the Coast Guard is operating may issue a certificate
13	of documentation with a coastwise endorsement for
14	each of the following vessels:
15	(A) LNG GEMINI (United States official
16	number 595752).
17	(B) LNG LEO (United States official num-
18	ber 595753).
19	(C) LNG VIRGO (United States official
20	number 595755).
21	(2) Limitation on operation.—Coastwise
22	trade authorized under paragraph (1) shall be limited
23	to carriage of natural gas, as that term is defined in
24	section 3(13) of the Deepwater Port Act of 1974 (33
25	U.S.C. 1502(13)).

1	(3) Termination of effectiveness of en-
2	DORSEMENTS.—The coastwise endorsement issued
3	under paragraph (1) for a vessel shall expire on the
4	date of the sale of the vessel by the owner of the vessel
5	on the date of enactment of this Act to a person who
6	is not related by ownership or control to such owner.
7	(c) Operation of a Dry Dock.—A vessel transported
8	in Dry Dock #2 (State of Alaska registration AIDEA
9	FDD-2) is not merchandise for purposes of section 55102
10	of title 46, United States Code, if, during such transpor-
11	tation, Dry Dock #2 remains connected by a utility or
12	other connecting line to pierside moorage.
13	SEC. 607. REPORT ON OPTIONS TO IMPROVE INTEGRATION
	SEC. 607. REPORT ON OPTIONS TO IMPROVE INTEGRATION OF U.S. COAST GUARD AND CANADIAN COAST
14	
13 14 15 16	OF U.S. COAST GUARD AND CANADIAN COAST
14 15	OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPER-
14 15 16 17	OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPER- ATIONAL INFORMATION.
14 15 16 17 18	OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPER- ATIONAL INFORMATION. Within 180 days after the date of enactment of this
14 15 16 17 18	OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPER- ATIONAL INFORMATION. Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall report to
14 15 16 17 18 19 20	OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPER- ATIONAL INFORMATION. Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall report to the Committee on Commerce, Science, and Transportation
14 15 16 17 18 19 20 21	OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPER- ATIONAL INFORMATION. Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and
14 15 16 17 18 19 20 21	OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPER- ATIONAL INFORMATION. Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on options

security, and efficiency of Great Lakes icebreaking activities of both services. SEC. 608. STANDBY VESSELS. 4 (a) In General.—Subtitle VIII of title 46, United States Code, is amended by adding at the end thereof the following new chapter: "CHAPTER 807—STANDBY VESSELS 7 ``Sec."80701. Standby vessels. "§ 80701. Standby vessels 8 9 "(a) In General.—The owner or operator of a manned facility, installation, unit, or vessel shall locate a 10 11 standby vessel— "(1) not more than 3 nautical miles from such 12 13 manned facility, installation, unit, or vessel while it 14 is performing drilling, plugging, abandoning, or 15 workover operations; and 16 "(2) not more than 12 nautical miles from such 17 manned facility, installation, unit, or vessel while it 18 is performing operations other than drilling, plug-19 ging, abandoning, or workover operations. 20 "(b) Improved Standby Vessel Response Time.— 21 "(1) In General.—A Coast Guard District 22 Commander may reduce the distances prescribed in 23 subsection (a) for the area of command of the District

Commander if the District Commander determines

- the reduction is necessary to address delays in standby vessel response times caused by inclement weather, high seas, or other conditions that prolong standby vessel response time or lessen the time survivors of an accident can remain in the water.
 - "(2) APPROXIMATION OF NORMAL RESPONSE
 TIME.—Any reduction under paragraph (1) shall be
 made to a distance that, in weather conditions necessitating the reduction, ensures that a standby vessel's
 response time approximates that of a standby vessel
 covering the distance prescribed in subsection (a) during normal weather conditions.
 - "(3) Prevention of hypothermia.—Any reduction under paragraph (1) made due to water temperature or other factors that reduce the time survivors of an accident can remain in the water shall be made to a distance at which a standby vessel can be assumed to reach the survivor before the onset of hypothermia.
 - "(4) Notice to owners and operators.—Before exercising the authority in paragraph (1), a District Commander shall provide 72 hours notice to the owners and operators of standby vessels and owners and operators of manned facilities, installations,

1	units, and vessels operating in the District Com-
2	mander's area of command.
3	"(c) Multiple Platforms and Uses.—Nothing in
4	this section shall be construed to prohibit—
5	"(1) use of one standby vessel for more than one
6	manned facility, installation, unit, or vessel; or
7	"(2) use of a standby vessel for other purposes.".
8	(b) Clerical Amendment.—The table of chapters at
9	the beginning of such subtitle is amended by adding at the
10	end the following:
	"807. Standby vessels
11	(c) Effective Date.—The amendments made by this
12	section shall take effect one year after the date of enactment
13	of this Act.
14	(d) Regulations.—
15	(1) In general.—The Secretary of the depart-
16	ment in which the Coast Guard is operating may
17	promulgate regulations to implement the amendments
18	made by this section.
19	(2) Existing regulations.—Until such time
20	as the Secretary promulgates regulations to imple-
21	ment the amendments made by this section, the re-
22	quirements of subpart E of part 143 of title 33, Code
23	of Federal Regulations, as in effect on the date of en-
24	actment of this Act, including the requirements that

1	must be met by a standby vessel, shall apply to stand-
2	by vessels required under the amendments.
3	SEC. 609. CAP ON PENALTY WAGES.
4	(a) Foreign and Intercoastal Voyages.—Section
5	10313(g) of title 46, United States Code, is amended—
6	(1) in paragraph (2)—
7	(A) by striking "all claims in a class action
8	suit by seamen" and inserting "each claim by a
9	seaman"; and
10	(B) by striking "the seamen" and inserting
11	"the seaman"; and
12	(2) in paragraph (3), by striking "class action".
13	(b) Coastwise Voyages.—Section 10504(c) of such
14	title is amended—
15	(1) in paragraph (2)—
16	(A) by striking "all claims in a class action
17	suit by seamen" and inserting "each claim by a
18	seaman"; and
19	(B) by striking "the seamen" and inserting
20	"the seaman"; and
2.1	(2) in paragraph (3) by striking "class action"

Union Calendar No. 150

112TH CONGRESS H. R. 2838

[Report No. 112-229]

A BILL

To authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

OCTOBER 3, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed